

# PATENT APPLICATION TRANSMITTAL LETTER

Docket Number: 4012-113 DIV2

I hereby certify that this paper is being deposited this date with the U.S. Postal Service as Express Mail in an envelope addressed to Assistant Commissioner for Patents, Box Patent Application, Washington, D.C., 20231 and Express mailed under the provisions of 37 CFR § 1.10

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Kit Stapleford

Name

Signature

October 29, 1999

Date

JC678 U.S. PTO  
09/430735  
10/29/99

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:

Transmitted herewith for filing is the patent application of:

Applicant: **Nnochiri Ekwuribe, et al.**

Title: **"BLOOD-BRAIN BARRIER THERAPEUTICS"**

Filing Date: **October 29, 1999 (Express Mail Filing Under 37 CFR § 1.10)**

pre 1/aa  
09/98  
3-28-01

This is a request for filing a Divisional Application under 37 C.F.R. § 1.60, of pending prior U.S. Patent Application No. 09/134,803, filed August 14, 1998 for "BLOOD-BRAIN BARRIER THERAPEUTICS" by Ekwuribe et al., as amended by a Preliminary Amendment dated July 27, 1999. Copies of the prior application and Preliminary Amendment are attached. These copies comprise a true and exact copy of the prior application as filed (specification, claims, drawings, declaration). The entire disclosure of the prior application, from which an oath or declaration is supplied, is considered a part of the disclosure of the accompanying divisional application and is hereby incorporated by reference. A verified statement establishing small entity status under 37 CFR § 1.9 and 37 CFR § 1.27 was submitted in the parent application and is still proper and desired.

Enclosed are:

- ☒ Specification, claims, and abstract.
- ☒ 10 sheet(s) of drawing(s).
- ☐ An Assignment of the invention to \_\_\_\_\_.
- ☒ A true and exact copy of the declaration and power of attorney from the parent case (U.S. Application No. 09/134,803)
- ☐ A certified copy of a \_\_\_\_\_ application.
- ☒ A verified statement to establish small entity status under 37 CFR § 1.9 and 37 CFR § 1.27.
- ☒ Other: copy of July 27, 1999 Preliminary Amendment in parent application

The following fee is calculated based on the cancellation of claims 1-22 and 36-45, as set forth in the attached preliminary amendment.

	Column 1	Column 2	Small Entity			Other Than Small Entity	
FOR:	NO. FILED	NO. EXTRA	RATE	FEE	OR	RATE	FEE
BASIC FEE				\$380.00	OR		\$790.00
TOTAL CLAIMS	36 - 20 =	16*	x \$9 =	144.00	OR	x \$18 =	
INDEP. CLAIMS	3 - 03 =	0*	x \$39 =	0	OR	x \$78 =	
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENTED			+ \$130 =	0	OR	+ \$260 =	
			Total	\$524.00		Total	
Fee for recording the assignment=				\$0.00			\$40.00
TOTAL=				\$524.00			

\* If the difference in Column 1 is less than zero, enter "0" in Column 2.



A check in the amount of \$524.00 (check number 6421) to cover the filing fee is enclosed.



The Commissioner is hereby authorized to charge any deficiency or credit any excess payment in connection with the filing of this application to Deposit Account No. 08-3284. A duplicate copy of this sheet is enclosed.

Bill Barrett

William A. Barrett, Reg. No. 42296

Date:

October 29, 1999

**INTELLECTUAL PROPERTY/TECHNOLOGY LAW**

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044305 SEP 20 1999

VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) & 1.27(c)) - - SMALL BUSINESS CONCERN

Docket No. 4012-113

Applicant:

Title:

Filing Date: August 14, 1998 (EXPRESS MAIL FILING UNDER 37 CFR 1.10)

I hereby declare that I am:



the owner of the small business concern identified below:



an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN:

Protein Delivery, Inc.

ADDRESS OF SMALL BUSINESS CONCERN:

2300 Englert Drive

Durham, North Carolina 27713

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:



The specification filed herewith with title as listed above.



Application Serial No. \_\_\_\_\_ filed \_\_\_\_\_.



U.S. Patent No. \_\_\_\_\_ Issued \_\_\_\_\_.

If the rights held by the above-identified independent inventor are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements averring to their status as small entities, and that no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a non-profit organization under 37 CFR 1.9(e).

Each person, concern or organization having any rights in the invention is listed below:



No such person, concern, or organization exists.



Each such person, concern or organization is listed below:

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities (37 CFR 1.27).

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at any time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING

Christopher H Price

TITLE OF PERSON IF OTHER THAN OWNER

CEO

ADDRESS OF PERSON SIGNING

2300 Englert Dr Durham, NC 27713

SIGNATURE

CH Price

DATE

8-14-98